In regard to registration of documents at private residences, the Member said that, though certain persons, by reason of physical infirmity or exemption granted by the Government, were entitled to get the registering officers to attend at their residence for the purpose of accepting or recording the admission of the execution of documents, other persons, not so entitled, though residing with the applicants were being compelled to go to the Sub-Registry office for recording their admissions in respect of those very documents. Further, he said that if the day on which the application for attendance at a private residence was made happened to be a holiday, registration could, according to the present Rules, be completed only on the next working day. The Member, therefore, suggested that the registering officers might, in the course of their attendence at a private residence, be permitted to accept for registration the documents of all the persons residing there irrespective of sex or status.

Dewan's reply.—The Member's observations in regard to registration at private residence will be looked into.

With regard to the Perumpavur Magistrate holding court till late in the evening, the District Magistrate will be asked to instruct that Magistrate to close his court at the normal hour laid down by the rules.

39. Transfer of civil decrees direct from the Devicolam Munsiff's Court to the British Indian Courts.

Mr. A. J. Wright (Member, Kannan Devan Planters' Association) stated that Mr. G. W. Cole had already requested at the eighteenth session of the Assembly that the Devicolam District Munsiff's Court might be empowered to transfer civil decrees direct to British Indian Courts instead of through the Parur District Court, as was the present procedure, since the latter procedure caused inordinate delay, thereby enabling judgment debtors to remove their funds and properties beyond the jurisdiction of the Court. He said that his object in renewing the representation was to ascertain how the matter stood at present.

Dewan's reply.—Mr. Cole brought this matter up at the last session of the Assembly. The following is what I find in the Notification of the Government of India, dated the 10th December, 1885, on the subject.

"The decrees of the Courts of the Travancore State may be executed in British India as if they had been made by the Courts in British India; but when the decree sent to a court in British India for execution is a decree of the court of a Munsiff, the documents mentioned in Section 224 of the Code of Civil Procedure should bear the countersignature of the Judge of the Zillah Court to which the court of the Munsiff is subordinate".

I am sorry we cannot modify this.

Member.—I understand the position.

40. Difficulties experienced by the public in civil courts and the remedies therefor.

Mr. Narayanaru Krishnaru (Member, Jenmi, Trivandrum Division) represented the difficulties experienced by the public in civil courts. He suggested that the plaintiffs might be asked to file in court a true copy of the plaint so that it might be given to the defendants, that the rule regarding the attestation of summonses issued to defendants by the proverthicars of the *pakuthies* in which they resided might be strictly enforced, and that the defendants might be allowed sufficient time to file their written statements. Referring to the difficulties of defendants on whom summonses were not served sufficiently early, the Member suggested that the courts might be directed to grant one or two adjournments with a view to facilitate the filing of written statements. He then referred to the delays in the framing of issues and the subsequent haste to close the cases, which resulted in insufficient time being allowed to the parties to let in evidence and in the shabby disposal of long-pending cases. Great were the hardships to which parties and witnesses were being put, owing to the posting of too many cases for a single day and the consequent necessity to send away witnesses without examination. He suggested that the courts might be directed to send away the witnesses who were not likely to be examined, after marking their attendance. In regard to commission fees, the

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Member complained that no fixed allowance was payable by the parties to the commissioners and suggested that a system of granting first class batta and mileage to commissioners might be introduced with advantage. At present, unregistered documents were being filed in courts, but no employe in the court appeared to be responsible for the safe custody of those documents. The Member suggested that those documents might be returned at once to the parties concerned with the signature and seal of the head clerk of the court after an attested copy of the same had been taken and filed with the records of the case. The practice of insisting on the production, in *thirippu* cases, of the *chitta* along with the plaint should be put a stop to, as all the courts had been supplied with settlement registers. Similarly, Jenmies should not be asked to produce encumbrance certificates in cases in which Jenmom lands had to be sold, for the valuation of their dues, as it was expressly laid down in the Jenmi and Kudiyan Regulation that the right of a Jenmi had precedence over everything else. As final hearing was an important item in the progress of a suit, the Member requested that full and complete hearing notes might be ordered to be taken by the Munsiffs both for reference at the time of writing the judgment and for the information of the appellate court. The Member also prayed that the hearing notes might be made to form part of the records of the case and copies of the same made available to the parties on their application. The minimum of 40 contested suits required by the High Court to be decided by a Munsiff in a month led to cases being disposed of hastily and to a large number of suits being remanded, by the District Courts to the lower Courts. The Member suggested that the evil might be checked by due notice being taken by the appellate court of shabby disposals by the lower courts. In the disposal of small cause suits, the Munsiff's decisions being practically final, it was desirable that High Court should exercise a sort of calender revision as in the case of the, judgments in criminal cases. The next suggestion of the Member was that the civil courts might be asked to fix a day for the delivery of judgments, so that the parties might have due notice thereof. The Courts should also be asked not to delay the pronouncement of judgments indefinitely as at present. As regards the preparation of decrees, the Member proposed that a second clerk might be detailed to examine the decrees drawn up by the clerk entrusted with that work and wanted that severe notice should be taken of all mistakes and omissions which were not found to be accidental. Delays in the drawing up of decrees should also be avoided. In the opinion of the Member it was desirable that the pay of the decree clerk should be so revised as to place him above temptation. The delay in the grant of copies of records and the unsatisfactory nature of the work of process-servers were other matters which required looking into. To enhance the value of encumbrance certificates now obtained from the registration offices it was necessary that they should be issued with the authority of the Government which was not the case now ; and with a view to achieve that object, there should be a certificate clerk in each Sub-Registry office. The Member then referred to the frequent practice of amins returning the orders of Munsiffs for delivery of possession unexecuted on trivial grounds in collusion with the defendants and strongly urged the formulation of certain well-defined rules in regard to the execuion of decrees by amins. He then said that the present practice of decreeing proportionate costs should be altered and costs should be awarded to the plaintiff after deducting only the court fees in proportion to the failure of the plaint. The decree amount, court fee, etc., due to parties from courts should be paid to Vakils only when the receipts presented by them were signed by the parties also. Speaking of the work of the Panchayat Courts, the Member represented that at least one judge in each of such courts should be present every day for superintending the work of the clerk of the court and checking the entries made by him. In conclusion, the Member criticised the prevailing practice of bench clerks taking down the depositions of witnesses in their own hand and advocted their being taken down by the Munsiffs themselves.

41. Some suggestions regarding the administration of civil justice.

Mr. Krishna Aiyar Narayana Aiyar (Member, Ambalapuzha Taluk) brought to notice certain defects in the administration of civil justice. He said that at present process peons invariably returned processes with false statements ; and the courts

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